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1) IN 8/27 MAIL
2) AND UNDER
SELECTMEN'S
BUSINESS
9/13

TOWN OF ACTON
Building Department

9/13 (7)
Hmail
CC: BOS
GARRY RHODES' COMMENTS
w/r To OLAC.

INTERDEPARTMENTAL COMMUNICATION

To: Don P. Johnson, Town Manager **Date:** August 25, 2004
From: Garry A. Rhodes, Building Commissioner 
Subject: Outdoor Lighting Bylaw Committee (OLAC)

You have directed I provide written comments on whether or not OLAC would be helpful enforcing the Outdoor Lighting Bylaw or could be used in some other capacity. The Outdoor Lighting Bylaw was voted on by Town Meeting in April 2004 and incorporated into section 10.6 of the Zoning Bylaw. Section 10.6 applies only to Site Plan Special Permits. The Acton Zoning Bylaw section 11 has designated the Building Commissioner as the officer charged with the enforcement of the Bylaw with oversight by the Board of Appeals by an appeal. At most, OLAC should be advisory.

Section 10.6 is fairly straight forward. It provides standards to control light trespass and glare. It also sets hours of operation and limits total site power. The applicant for a Site Plan Special Permit must submit plans prepared by a design professional showing compliance. When the development is completed the design professional must submit an as-built and certification.

I have had the opportunity to review two applications for Site Plan Special Permits. In both cases, I did not have any difficulty in reviewing the applications and noting deficiencies. In the future OLAC could be advisory to the Building Commissioner if the occasion arises where he needs assistance understanding lighting standards or designs. As stated above only the Building Commissioner or as further reviewed by the Zoning Board of Appeals can interpret and enforce the Zoning Bylaw.

I view OLAC, as well as the Planning Board, as the legisistative branch who writes the Bylaws. The Building Commissioner is part of the executive branch that has to implement the laws. OLAC could continue as the legislative branch and recommend changes to the Bylaw as it becomes implemented if problems are identified or the Board of Selectmen see the need for the Bylaw to be more or less restrictive or expanded.